

REPORT - PLANNING COMMISSION MEETING
March 24, 2005

Project Name and Number: Alder Ave Baptist Church (PLN2005-00172)

Applicant: Ray Shaw, Chairman of Trustees, Alder Avenue Baptist Church

Proposal: To consider an application for a Conditional Use Permit amendment for the use of the Family Life Center Building by community groups offering educational programs.

Recommended Action: Approve, based on Findings and subject to Conditions.

Location: 4111 Alder Avenue.

Assessor Parcel Number(s): 501-0044-101-00.

Area: Lot size: 68,609 square feet, Building size: 8,721 square feet.

Owner: Alder Avenue Baptist Church

Consultant(s): Gary A. Standish, Corporate President, Alder Avenue Baptist Church

Environmental Review: This project is exempt from the California Environmental Quality Act (CEQA) per section 15301, Existing Facilities.

Existing General Plan: Medium Density Residential (15 to 18 dwelling units per acre)

Existing Zoning: R-G-29, Garden Apartment Residence District

Existing Land Use: Church facility.

Public Hearing Notice: Public hearing notification is applicable. A total of 138 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Alder Avenue, Alder Terrace, Elisa Common, Oak Street, Perkins Street, Tawny Terrace, Vintage Terrace and Wakefield Loop. The notices to owners and occupants were mailed on March 11, 2005. A Public Hearing Notice was delivered to The Argus on March 7, 2005, to be published by March 10, 2005.

Background and Previous Actions: The site is located on Alder Avenue approximately 300 feet southwest from the intersection of Fremont Boulevard and Alder Avenue. The original church use was approved by the Planning Commission on December 11, 1961 by a conditional use permit (U-61-121). On March 12, 1992, the Planning Commission approved a new conditional use permit (U-91-21) and Tentative Tract Map 6510 for the purpose of creating two lots. One of the lots, totaling 2.34 acres, has an existing 30-unit condominium development, and the other lot, totaling 1.58 acres, is the existing church parcel.

On September 12, 1996, the Planning Commission approved conditional use permit amendment (U-61-121B) to allow the construction of a 13,312 square-foot Family Life Center Building, the addition of a 320 square-foot covered entry to an existing 4,400 square-foot church, and the removal of several existing structures on site. This project was never constructed by the church. On November 18, 1999, the Planning Commission approved conditional use permit amendment (PLN2000-00075) to allow construction of a reduced size Family Life Center Building of 8,721 square feet, which was constructed and completed by the church.

Project Description: The applicant is requesting approval for a Conditional Use Permit amendment for the use of the Family Life Center Building by community groups. Alder Avenue Baptist Church proposes to make the Family Life Center Building available to the community during its hours of non-use, which is between the hours of 8:00 A.M. to 6:00 P.M., Monday through Friday. All activities will be educationally based, such as after school programs, tutoring programs,

extended school programs, computer classes and adult/senior education classes. Day care facilities and operations are excluded from this conditional use permit amendment. Any future proposals to operate a day care facility will require an amendment to this conditional use permit.

According to the church, there is currently one community group that offers after school tutoring which is interested in using the Family Life Center Building. The hours of operation for this operator will be 1:00 P.M. to 6:00 P.M., Monday through Friday during the school year and 8:00 A.M. to 11:00 A.M. and 2:00 P.M. to 6:00 P.M. during the summer months. The community group proposes four instructors and not more than 50 children ranging in age from six to twelve years old.

Project Analysis:

General Plan Conformance: The existing General Plan Land Use designation for the project site is Medium Density Residential (15 to 18 dwelling units per acre.) The proposed project is consistent with the existing General Plan Land Use designation for the project site because the General Plan allows public and semi-public facilities within the Medium Density Residential Land Use designation, subject to conditional use permit approval. The following General Plan Goals, Objectives, and Policies are applicable to the proposed project:

- **Fundamental Goal F-8:** A Diversity of Residential, Recreational, Cultural, Employment, and Shopping Opportunities.

Analysis: The use of the Family Life Center Building by community groups offering educational programs provides diverse recreational and cultural opportunities, as well as employment for the teaching and administrative staff.

- **Land Use Goal LU 1.1:** Allowed Uses and Densities. Schools, Childcare Centers, Public and Semi-Public Facilities (e.g., churches) and Nursing Care facilities. These uses may be allowed, although conditions may be established to limit the impacts of these uses on residents.

Analysis: The applicant is requesting a conditional use permit approval for the use of the Family Life Center Building by community groups offering educational programs.

Zoning Regulations: The project site currently has a zoning designation of R-G-29, Garden Apartment Residence District. Fremont Municipal Code (FMC) Section 8-2803(g) allows "public and quasi-public buildings and uses of recreational, educational, religious, cultural or public service type" with a conditional use permit.

The conditional use permit amendment approval (PLN2000-00075) in 1996 included the office, pastoral counseling, storage, kitchen, children's programs, committee meetings, youth activities and banquet uses of the Family Life Center Building. The church members currently use the Family Life Center Building from 6:00 P.M. to 8:00 P.M., Tuesday through Thursday and all day Saturday. The current use permit does not regulate hours of operation for church related uses. The current proposal and the purpose of the amendment to the conditional use permit is to allow the use of the Family Life Center Building by community members or groups offering educational programs not affiliated with the church. These uses will be limited to the hours of operation as noted in the Project Description section of this staff report and subject to condition A-4 of Exhibit "B".

Parking: The existing parking available onsite is 71 parking spaces, including 4 handicap accessible and 9 compact spaces. FMC Section 8-22003(b)(2)(h)(1) requires one parking space for each three seats for a religious facility with more than 150 seats (not located on an arterial.) The church is restricted to a seating capacity of 150. The required parking for the church is 50 parking spaces.

FMC Section 8-22003(b)(g)(4) requires one parking space per employee and one parking space per three student classroom seats for "trade, vocational or business" or "not otherwise listed" type schools. The required parking space for this type of use is 21 parking spaces.

Church service hours and the proposed use of the Family Life Center Building by community groups are not expected to overlap, however, even if they do overlap, there is sufficient parking available for all anticipated uses.

Circulation/Access Analysis: The existing site has good vehicular circulation and access because of its lot configuration. An existing two-way drive aisle provides access to the rear of both the existing church and the Family Life Center Building. An emergency vehicle access easement (EVAE) exists on the perimeter of the site from the Alder Avenue frontage, along the northerly property line and westerly property line connecting at a gated opening to the adjacent private street of Alder Common, which serves the Villa Paloma townhouse development located on the west side of the church site.

Environmental Analysis: This project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15301 for Existing Facilities.

Public Comment Received: One neighbor has contacted staff with concerns regarding the increase in noise and traffic that may be generated by the proposed use.

Enclosures: Exhibit "A" Site Plan and Floor Plan
 Exhibit "B" Findings and Conditions of Approval for PLN2005-00172 – Alder Ave Baptist Church

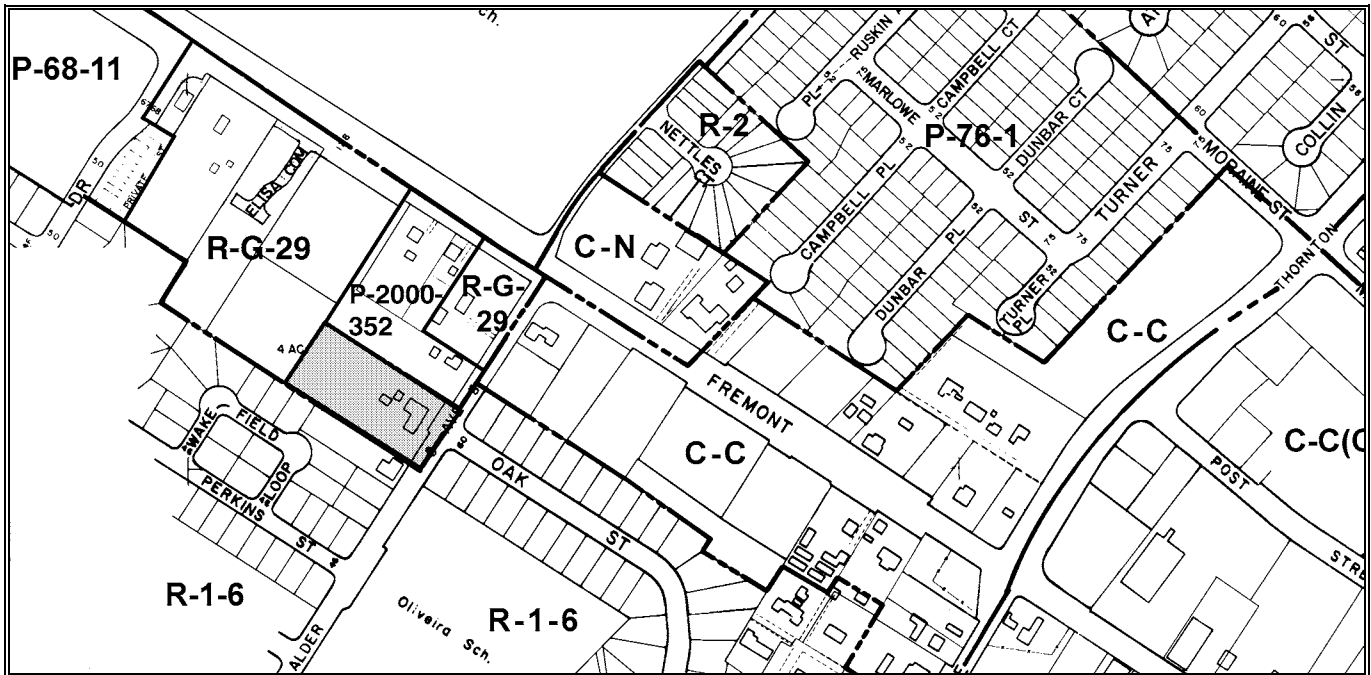
Informational: Applicant Statement of Proposed Operation

Exhibits: Exhibit "A" Site Plan and Floor Plan
 Exhibit "B" Findings and Conditions of Approval for PLN2005-00172 – Alder Ave Baptist Church

Recommended Actions:

1. Hold public hearing.
2. Find PLN2005-00172 is exempt from CEQA per Section 15301.
3. Find PLN2005-00172 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Fundamental Goals and Land Use Chapters as enumerated within the staff report.
4. Approve PLN2005-00172, as shown on Exhibit "A", subject to Findings and Conditions on Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

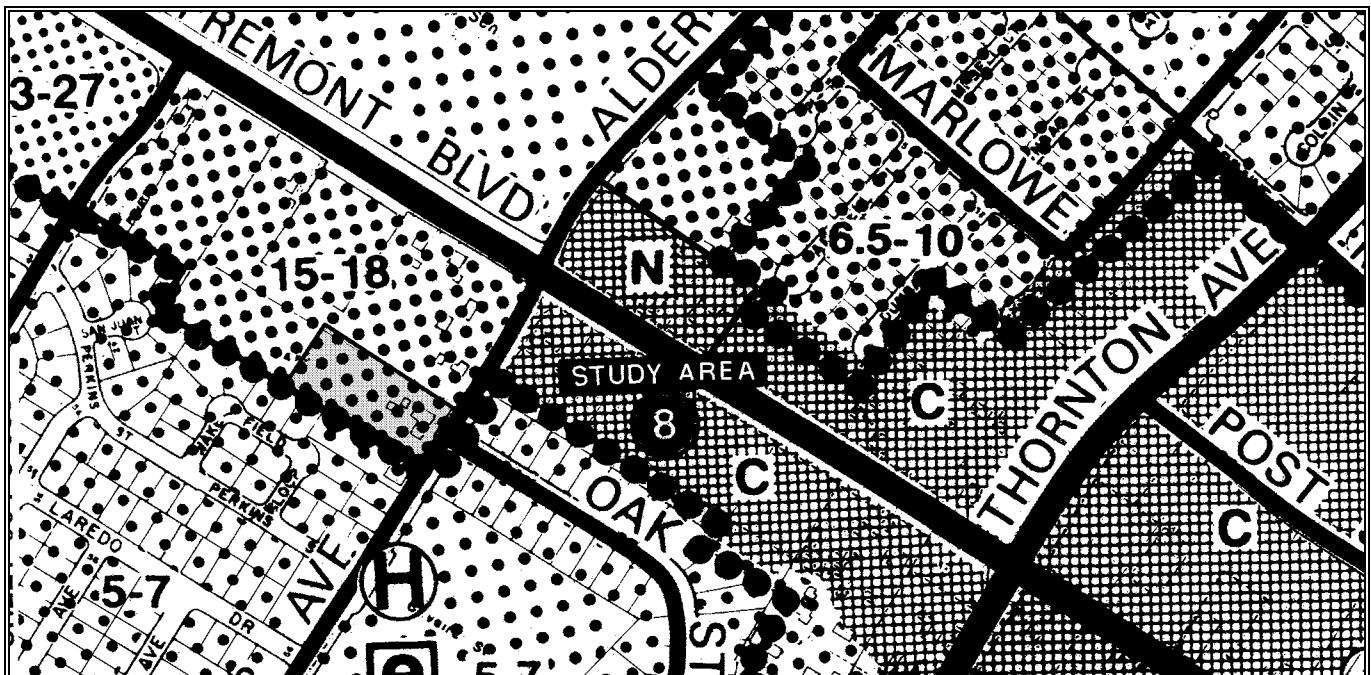


Exhibit "B"
Findings and Conditions of Approval for PLN2005-00172
Alder Avenue Baptist Church – Conditional Use Permit Amendment
4111 Alder Avenue

Findings:

1. The site is suitable and adequate for the proposed use because there is sufficient on-site parking.
2. The proposed use is consistent with the General Plan because educational programs by community groups contribute to the goal of establishing a diversity of recreational, cultural and employment opportunities.
3. The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because the site has good access from Alder Avenue.
4. The proposed use would not have a substantial adverse economic effect on nearby uses because it is not a direct competitor with any nearby commercial uses.
5. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because their activities will take place entirely within the Family Life Center Building.

General Conditions:

- A-1. The use of the Family Life Center Building by community groups offering educational programs shall operate in conformance with all plans, notes and description found in Exhibit "A".
- A-2. Any signage changes shall comply with the provisions of Fremont Municipal Code Title VIII, Chapter 2, Article 21 Sign Regulations and permits shall be obtained through the Development Services Center.
- A-3. The Sanctuary building shall remain as the religious facility's only worship service building, and shall remain limited to an occupancy of 150 persons for assembly use. The Family Life Center Building shall be used for non-worship educational related activities. The Family Life Center Building shall continue to be used by the church for non-worship activities such as religious instruction, children's programs, church offices, committee meetings, youth activities and banquet facility.
- A-4. The hours of operation for educational related activities not conducted by the church, shall generally be limited to 8:00 A.M. to 6:00 P.M., Monday through Friday. Minor modifications to the hours of operation may be approved by the Assistant City Manager.
- A-5. Adult supervision of the children at the facility shall be required at all times during the hours of operation and must adhere to any and all State of California licensing requirements.
- A-6. Noise levels at the facility shall not exceed 60 decibels at the property lines.
- A-7. The parking lot shall not be utilized as play areas.
- A-8. The property owner shall be responsible for litter control and sweeping of all paved surfaces. All on-site storm drains are to be cleaned immediately before the commencement of the rainy season (annually prior to October 15th.)

- A-9. The application shall be responsible for the on-going maintenance of site landscaping and keep the facility free of graffiti.
- A-10. Provide a building directory at the Alder Avenue entrance adjacent to the existing Alder Avenue Baptist Church monument sign to the satisfaction of the Fremont Police Department.
- A-11. Post "No Trespassing or Loitering" signs at the Alder Avenue driveway, rear gate and by the pedestrian access off of Alder Avenue or to the satisfaction of the Fremont Police Department. These signs may be purchased at the City of Fremont, Development Services Center Cashier, 39550 Liberty Street, Fremont, CA 94538.
- A-12. If the Development & Environmental Services Director finds evidence that conditions of approval have not been fulfilled or that the use or uses has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Director may refer the use permit to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit.